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Attorneys for U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2007-OA5, its assignees and/or successors, by and through its servicing agent Select Portfolio Servicing, Inc.

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

U.S. Bank NA, successor trustee to Bank of America, NA, successor in interest to LaSalle Bank NA, as trustee, on behalf of the holders of the WaMu Mortgage Pass-Through Certificates, Series 2007-OA5, its assignees and/or successors, by and through its servicing agent Select Portfolio Servicing, Inc., (“Secured Creditor”) in the above-entitled Bankruptcy proceeding, hereby submits the following Objections to Confirmation of the Chapter 13 Plan proposed by (“Debtor”) Jeffrey Marc Siskind.

1. Secured Creditor is reviewing the declaration in support of the plan objection and will supplement this plan objection with said declaration once executed.

2. Secured Creditor is entitled to receive payments pursuant to a Promissory Note secured by a Deed of Trust on the subject property commonly known as 3465 Santa Barbara Dr, Wellington, FL 33414. Pursuant to a subsequent loan modification, the loan matures on 5/1/2037. The amount in default was \$387,827.48, as described in the Proof of Claim filed by this Secured Creditor on or about 4/13/2023. See **Exhibit “1.”**

3. The proposed Plan does not provide for pre-petition arrearages owed to Secured Creditor. To cure the pre-petition arrearages of \$387,827.48 over the term of the Plan within 60 months, Secured Creditor must receive a minimum payment of \$6,463.79 per month from the Debtor through the Plan. Although Debtor does not provide for payments to Secured Creditor, Debtor's Plan provides for payments to the Trustee in the amount of \$55.50 per month for 60 months. Debtor does not have sufficient funds available to cure the arrears over the term of the Plan within 60 months. Therefore, the Plan is not feasible. A true and correct copy of Debtors Schedules I and J is attached hereto as **Exhibit “2.”**

4. Unless otherwise ordered, under 11 U.S.C. § 1326(a)(1), the Debtor shall commence making the payments proposed by the Plan within 30 days after the Petition is filed. The Plan must comply with all applicable provisions of 11 U.S.C. § 1325 to be confirmed. As such, the Plan cannot be confirmed.

CONCLUSION

Any Chapter 13 Plan proposed by the Debtor must provide for and eliminate the Objections specified above in order to be reasonable and to comply with applicable provisions of the Bankruptcy Code. Secured Creditor respectfully requests that confirmation of the Chapter 13

1 Plan as proposed by the Debtor be denied, or in the alternative, be amended to provide for full
2 payoff of the arrearages owed to Secured Creditor.

WHEREFORE, Secured Creditor prays as follows:

4 1. That confirmation of the Proposed Chapter 13 Plan be denied, or in the
5 alternative, be amended to provide for full payoff of the arrearages owed to Secured Creditor
6 within 60 months;

2. For attorneys' fees and costs herein,

3. For such other relief as this Court deems proper.

Respectfully submitted,

McCarthy & Holthus, LLP

4/27/2023

By: /s/ JaVonne M. Phillips
JaVonne M. Phillips, Esq.
Attorney for Secured Creditor

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

2763 Camino Del Rio S., Suite 100
San Diego, CA 92108

A true and correct copy of the foregoing document entitled (*specify*): **OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN; EXHIBITS** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 4/27/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

TRUSTEE

Nancy K Curry (TR)
trustee13la@aol.com

US TRUSTEE

ustpregion16.la.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 4/27/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR(S)

Jeffrey Marc Siskind, 3465 Santa Barbara Dr, Wellington, FL 33414

JUDGE'S COPY

The Honorable Judge, Vincent P. Zurzolo, United States Bankruptcy Court - Los Angeles Division, 255 E. Temple Street, Suite 1360, Los Angeles, Ca, 90012

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

4/27/2023
Date

Hue Banh
Printed Name

/s/ Hue Banh
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.